

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No 211 of 1993

in

COMPANY APPLICATIONNO 212 of 1993

with

COMPANY APPLICATION No 213 of 1993

and

COMPANY APPLICATION NO.871 of 1993.

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GAYATRI TEXTILES

Versus

OFFICIAL LIQUIDATOR

Appearance:

1. COMPANY APPLICATION No. 211 of 1993
MR BHARAT R PANDYA for Petitioner
OFFICIAL LIQUIDATOR for Respondent No. 1
MR AC GANDHI for Respondent No. 2
SERVED for Respondent No. 3, 6, 7, 8
2. COMPANY APPLICATIONNO 212 of 1993
MR BHARAT R PANDYA for Petitioner

OFFICIAL LIQUIDATOR for Respondent No. 1

MR AC GANDHI for Respondent No. 2

SERVED for Respondent No. 3, 6, 7, 8

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 30/01/97

COMMON ORAL JUDGEMENT

1. The present 4 applications are filed by 4 applicants claiming that the goods consisting of 28 bales of cotton, 110 loose takkas (thans) of grey cotton consisting of 9322.6 mts. lying in the godown between the excise gate and the main gate of the estate of Amruta Mills Ltd. are of their ownership and they be permitted to remove them and take them in their custody.

2. The claim of the present applicant is disputed by the secured creditors as well as Official Liquidator. It is the claim of the Official Liquidator that in the statement supplied by the Ex-Director of the said liquidated company, he had not mentioned that there were any goods of any third party in possession and custody of the said Mill. Therefore, in the circumstances, it is not possible for this court to enter into the disputed facts of title, and, therefore, I would direct the petitioner in this petition to go before the regular civil court in order to get their title proved to these goods. However, in the interest of justice I would direct the Official Liquidator to sale the goods in question namely 14 bales- subject matter of Company Application No.211/96, 4 bales- subject matter of Company Application No. 212/96, 28 bales-subject matter of Company Application No.213/96 and 110 loose takkas (thans) of grey cotton consisting of 9322.6 meters which are lying in the godown between the excise gate and main gate of Amruta Mills Ltd. to be put up for auction sale in separate lots and the sale proceeds of these goods should be kept in separate account and the said sale proceeds should not be distributed without the specific permission of this court. The petitioners will have to file their suits in the Regular Civil Court within 3 months from today and they should obtain the necessary orders from the said court regarding the title to the said goods within 1 year from the date of filing of the suit. I, therefore, dispose of all these 4 petitions as ordered above with no orders as to costs.

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